

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Roadside Memorial Act is amended by changing  
5 Sections 5, 10, and 15 and by adding Section 23 as follows:

6 (605 ILCS 125/5)

7 Sec. 5. Purpose of the Roadside Memorial program. The  
8 Roadside Memorial program is intended to raise public awareness  
9 of impaired driving and reckless driving by emphasizing the  
10 dangers while affording families an opportunity to remember the  
11 victims of crashes involving impaired or reckless drivers.

12 (Source: P.A. 95-398, eff. 1-1-08.)

13 (605 ILCS 125/10)

14 Sec. 10. Definitions. As used in this Act:

15 "Department" means the Department of Transportation.

16 "DUI memorial marker" means a marker on a highway in this  
17 State commemorating one or more persons who died as a proximate  
18 result of a crash caused by a driver under the influence of  
19 alcohol, other drug or drugs, intoxicating compound or  
20 compounds, or any combination thereof.

21 "Fatal accident memorial marker" means a marker on a  
22 highway in this State commemorating one or more persons who

1 died as a proximate result of a crash caused by a driver who  
2 committed an act of reckless homicide in violation of Section  
3 9-3 or 9-3.2 of the Criminal Code of 1961 or who otherwise  
4 caused the death of one or more persons through the operation  
5 of a motor vehicle.

6 "Qualified relative" means: an immediate relative of the  
7 deceased, by marriage, blood, or adoption, such as his or her  
8 spouse, son, daughter, mother, father, sister, or brother; a  
9 stepmother, stepfather, stepbrother, or stepsister of the  
10 deceased; or a person with whom the deceased was in a domestic  
11 partnership or civil union as recognized by a State or local  
12 law or ordinance.

13 "Supporting jurisdiction" means the Department or any  
14 municipality, township, or county that establishes a Roadside  
15 Memorial program within its jurisdictional area.

16 (Source: P.A. 95-398, eff. 1-1-08.)

17 (605 ILCS 125/15)

18 Sec. 15. Participation in the Roadside Memorial program.

19 (a) A qualified relative of a victim may make a request for  
20 the installation of a memorial marker in a supporting  
21 jurisdiction using an application developed by the supporting  
22 jurisdiction. The supporting jurisdiction shall have sole  
23 responsibility for determining whether a request for a DUI  
24 memorial marker or a fatal accident memorial marker is rejected  
25 or accepted.

1 (b) An application for a DUI memorial marker or a fatal  
2 accident memorial marker may be submitted by a qualified  
3 relative with regard to any crash that occurred on or after  
4 January 1, 1990.

5 (c) If there is any opposition to the placement of a DUI  
6 memorial marker or a fatal accident memorial marker by any  
7 qualified relative of any decedent involved in the crash, the  
8 supporting jurisdiction shall deny the request.

9 (d) The supporting jurisdiction shall deny the request or,  
10 if a DUI memorial marker or a fatal accident memorial marker  
11 has already been installed, may remove the marker, if the  
12 qualified relative has provided false or misleading  
13 information in the application.

14 (e) The qualified relative shall agree not to place or  
15 encourage the placement of flowers, pictures, or other items at  
16 the crash site.

17 (f) A DUI memorial marker or a fatal accident memorial  
18 marker shall not be erected for a deceased driver involved in a  
19 fatal crash who is shown by toxicology reports to have been in  
20 violation of State DUI law, unless the next of kin of any other  
21 victim or victims killed in the crash consent in writing to the  
22 erection of the memorial marker.

23 (Source: P.A. 95-398, eff. 1-1-08; 95-873, eff. 8-21-08.)

24 (605 ILCS 125/23 new)

25 Sec. 23. Fatal accident memorial markers.

1       (a) A fatal accident memorial marker shall consist of a  
2 white on red panel bearing the message "Reckless Driving Costs  
3 Lives". At the request of the qualified relative, a separate  
4 panel bearing the words "In Memory of (victim's name)",  
5 followed by the date of the crash that was the proximate cause  
6 of the loss of the victim's life, shall be mounted below the  
7 primary panel.

8       (b) A fatal accident memorial marker may memorialize more  
9 than one victim who died as a result of the same crash. If one  
10 or more additional deaths subsequently occur in close proximity  
11 to an existing fatal accident memorial marker, the supporting  
12 jurisdiction may use the same marker to memorialize the  
13 subsequent death or deaths, by adding the names of the  
14 additional persons.

15       (c) A fatal accident memorial marker shall be maintained  
16 for at least 2 years from the date the last person was  
17 memorialized on the marker.

18       (d) The supporting jurisdiction has the right to install a  
19 marker at a location other than the location of the crash or to  
20 relocate a marker due to restricted room, property owner  
21 complaints, interference with essential traffic control  
22 devices, safety concerns, or other restrictions. In such cases,  
23 the sponsoring jurisdiction may select an alternate location.

24       (e) The Department shall secure the consent of any  
25 municipality before placing a fatal accident memorial marker  
26 within the corporate limits of the municipality.

1       (f) A fee in an amount to be determined by the supporting  
2       jurisdiction shall be charged to the qualified relative. The  
3       fee shall not exceed the costs associated with the fabrication,  
4       installation, and maintenance of the fatal accident memorial  
5       marker.